

Subject: Re: Fwd: CDO Clarification

From: Chris Robertson <chris.robertson@lacity.org>

Date: 03/24/2015 02:43 PM

To: Donald Duckworth <duckworth.donald@gmail.com>

CC: Fred Sutton <fred.sutton@lacity.org>, Tricia Keane <tricia.keane@lacity.org>

Hi Don,

Thanks for your voicemail. I appreciate you reaching out and will try to call you tomorrow, but I wanted to respond to your previous email as promised (albeit a day late.)

First of all, thank you for notifying us of the BID's previous effort to amend the Community Design Overlay (CDO) Code. As a result, we have reached out to Kevin Keller (currently with the Mayor's office), Shana Bonstin (the Senior City Planner who worked on this effort) and Terry Kaufman-Macias (the City Attorney who also worked on the ordinance). It appears that this was approved by the City Planning Commission and various legal issues came up precluding it to move forward to City Council for approval. However, those issues may have been sorted through. We have only begun these conversations, but if this is something that makes sense to dust off, we absolutely will. We are currently reviewing the file with the City Attorney and will keep you updated on the status of this initiative once we find out more. Thank you again for bringing this to our attention.

Regarding the second part of your question: Community Design Overlays usually consist of two parts: the Community Design Overlay (CDO) Zone and respective [Q]-Conditions and the Community Design Overlay Guidelines. Very generally, the Zone includes standards which prescribe very specific measurable requirements whereas the Guidelines address issues that are more tricky to regulate prescriptively. So, conceptually, the standards contained in the zone prescribe the general box within which a development can begin and the guidelines provide the City, development community and neighbors direction in helping to further refine the design within that box. There is always a balance when choosing how far to regulate things because the more regulations that you impose, the less freedom you have in terms of design. Over-regulation could actually end up standing in the way of creative, good design.

The way the City determines what is critical and what may be subject to slight modification so long as it complies with the overall "intent" of the guidelines, depends on how the overarching [Q] Condition is written. When this CDO was adopted, the language would have been considered by the community, Planning Department and Council and it seems that the CDO program was carefully crafted to make absolute certain specific elements could not be overlooked through a ministerial review. The CDOs can be a little confusing because sometimes the guidelines are adopted as standards as part of the [Q] conditions

and other times guidelines contain language that sounds more like standards. It varies from CDO to CDO. Planning has interpreted that the [Q] Conditions of the Downtown Westchester CDO are written so that the guidelines and standards are mandatory because of the first condition: "For all projects that include one or more lots within the boundary of the Downtown Westchester Community Design Overlay District, all properties shall meet the guidelines and standards of that overlay." (Ord 179,907; 05/21/2008). We plan to sit down with Planning to discuss this issue further in the next couple of months and will keep you posted of what we learn.

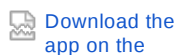
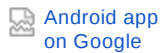
Talk soon.

Chris Robertson, AICP, LEED AP
Deputy Director of Land Use & Planning

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On Fri, Mar 20, 2015 at 6:20 PM, Chris Robertson <chris.robertson@lacity.org> wrote:

Hi Don,

Thanks for reaching out about this and I apologize for the delayed response. We will send you an update on this by Monday at the latest.

Thanks for your patience. Have a great weekend.

Chris Robertson, AICP, LEED AP
Deputy Director of Land Use & Planning

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----- Forwarded message -----

From: **Donald Duckworth** <duckworth.donald@gmail.com>

Date: Mon, Mar 9, 2015 at 3:34 AM

Subject: CDO Clarification

To: fred sutton <fred.sutton@lacity.org>

This email is written to clarify the Council Office response to the Westchester Town Center BID's suggestion that the CDO be restructured as "design guidelines for discretionary use."

The Council Office Planning Director said, as I recall you saying, " CDOs by nature must be structured as minimum standards that are mandatory."

Is this a correct expression of the issue we are addressing?